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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,805	09/26/2000	Scott C. Harris	RTA/SCH	3717
23844	7590	06/03/2004	EXAMINER	
SCOTT C HARRIS P O BOX 927649 SAN DIEGO, CA 92192			FLANDRO, RYAN M	
			ART UNIT	PAPER NUMBER

3679

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/669,805

Applicant(s)

HARRIS, SCOTT C.

Examiner

Ryan M Flandro

Art Unit

3679

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): the rejection of claim 7 under 35 USC 112.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1,2,5,7 and 13-29.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Continuation of 5. does NOT place the application in condition for allowance because: (1) with regard to claim 1, the Examiner is unpersuaded by Applicant's argument. The Examiner understands Brown (column 8 lines 12-19) to disclose that the total bids 68 (which include the individual bidder and bid amount) are updated automatically. When read in the context of the first full paragraph of column 8, the Examiner understands Brown to disclose the invention of claim 1. That is, although figure 6 shows only the bid form sent in by bidders, the Examiner understands there to be a dynamically updated view (not shown) that includes similar, if not identical, information including a list of bidders. (2) with regard to Applicant's arguments against the rejection of claim 2 in view of Odom, the Examiner is again unpersuaded. Odom discloses the limitations as recited in the claim when given their broadest reasonable interpretation (see again column 6 lines 28-55, especially 31-45). Although the Examiner agrees that the bid increments will be viewable, there is clearly other "information" that is stored but is not viewable on the second computer in Odom. The Examiner believes Applicant is improperly reading limitations into the claims from the specification. (3) With regard to claim 25, Applicant's arguments are again unpersuasive because Odom is deemed to disclose the invention as claimed given the broadest reasonable interpretation. Notably, in column 6 lines 45-58, Odom differentiates a "best bid" in contrast to the previously mentioned current highest bid, and notes only that it "MAY be broadcast to all participants in the exchange". This meets the claimed limitations. Applicant's further argument regarding the icon is unpersuasive for the reasons given in the final rejection. (4) Applicant's arguments regarding claim 5 are unpersuasive because "a time specified by the bid" can broadly be construed to be indirectly based upon the amounts of other bids. That is, given the amount of the bid, there is a specified time it will be revealed depending upon the amounts of other bids. (5) With regard to Applicant's arguments on pages 13-16, these arguments are considered unpersuasive for the reasons substantially set forth in the final rejection where the Examiner believes proper motivation to combine the noted references is established. The prior art rejections stand as set forth in the final rejection. Additionally, with regard to the double patenting rejections pending in the application, the Examiner notes that the Terminal Disclaimer submitted with the After Final Amendment has not been approved. Since the application causing the double patenting rejection has not issued, Applicant's Terminal Disclaimer uses incorrect language. A new TD should be submitted. It is strongly suggested that either the correct form from the MPEP (Section 1490) is used or the language therein.